

REMARKS

A Request for Continued Examination is filed herewith. A typographical error in claim 22 has been corrected.

The examiner has maintained the rejection of claim 20 (the only independent claim) under 35 USC 103 as being unpatentable over Takahashi (US 5057943) and Christopher (US 5227617). The examiner is urged to reconsider and withdraw the rejection.

On further review, applicant completely agrees with the examiner that Takahashi does teach using a scanned beam to write an image. Indeed, what the application describes is apparatus for taking a signal representing an image (e.g., a photograph) and using it to control a scanning beam to print that image on photo-sensitive paper that is fed through a machine. The patent describes techniques for improving the accuracy of the writing process so that the image can be accurately printed. For example, it indicates that the "recording sheet 1 is pressed by the sub-scanning roller 11 by means of a roller 12 so as to be stably held on the sub-scanning roller 11" (col. 3, lines 59-62). It relies on the beam being detected by small mirror 10 and detector 9 at the end of each scan, to synchronize the frequency of scanning to movement of the paper. The number of scans is counted, and a frequency dividing circuit is used to control a stepping motor 13 that drives the paper (col. 4).

None of these improvements in accuracy as taught in Takahashi could possibly be implemented were the scanner to be completely disconnected from the recording paper, and simply held by hand over the paper. Thus, no one on reading Takahashi would ever consider modifying Takahashi to make it a handheld apparatus as called for by claim 20.

It is, of course, well settled law that a reference may not be modified in ways that defeat the objective taught in the reference. That, of course, is exactly what would happen if Takahashi were modified to be handheld. The accurate renditions of photographs that Takahashi is attempting to achieve would be lost. With the scanner held in the user's hand it would obviously be impossible to synchronize the scanning with movement of the medium on which the scanner is directed.

Thus, the combination suggested by the examiner of Takahashi with Christopher would simply never be even considered by the person of ordinary skill.

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Furthermore, Christopher teaches away from using a hand held scanning beam to write indicia. Christopher uses a scanning beam only for reading indicia from a target (e.g., bar code symbols). Writing is done using a thermal printhead (e.g., writing the numerical code read by the scanner from the bar code symbol).

The examiner's indication at page 5 that Takahashi is silent as to whether the scanner is handheld is not accurate. Everything taught in Takahashi assumes a mechanical connection (and, for that matter, a very precise connection) between the scanning beam and the paper on which the beam is writing.

Accordingly, claim 20 is believed to be in condition for allowance.

The remaining claims are all properly dependent on claim 20, and thus allowable therewith. Each of the dependent claims adds one or more further limitations that enhance patentability, but those limitations are not presently relied upon. For that reason, and not because applicants agree with the examiner, no rebuttal is offered to the examiner's reasons for rejecting the dependent claims.

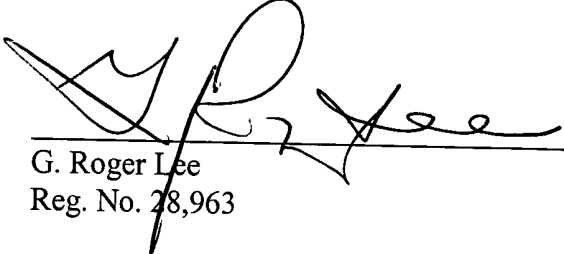
Allowance of the application is requested.

Attached is a marked-up version of the changes being made by the current amendment.

Enclosed is a check for \$400 in payment of the fee for the requested two-month extension of time. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 12/16/02



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Version with markings to show changes made

In the claims:

Claim 22 has been amended as follows:

22. The apparatus of claim 20 wherein the medium [in] is thermal sensitive.